Stephanie Rawlings-Blake
Mayor

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

STAFF REPORT

Thomas J. Stosur
Director

December 2, 2010

REQUEST: City Council Bill #10-0593/Building, Fire, and Related Codes – 2010 Edition: For the purpose of adopting a revised Building, Fire, and Related Codes Article, comprising the Maryland Building Performance Standards (effective January 1, 2010), the International Building Code (2009 Edition), the National Electrical Code (2008 Edition), the National Fuel Gas Code (2009 Edition), the International Mechanical Code (2009 Edition), the National Standard Plumbing Code (2009 Edition), the International Property Maintenance Code (2009 Edition), the International Fire Code (2009 Edition), the International Energy Conservation Code (2009 Edition), and the International Residential Code for One- and Two-Family Dwellings (2009 Edition), all as supplemented, amended, or otherwise modified by this Ordinance; providing for the effect, construction, and effective date of these new standards and codes; conforming, correcting, and clarifying certain language; and generally relating to the adoption of new building, fire, property maintenance, electrical, plumbing, mechanical, and related codes for Baltimore City.

RECOMMENDATION: Amendment and Approval, with one amendment as follows:

- That a definition similar to the following is included to exempt hoophouses from general permit requirements:
  "A temporary greenhouse, also called a 'hoophouse' or 'polyhouse,' used exclusively for the production and storage of live plants, shall be exempt from the permit requirements of the Uniform Construction Code if it meets all the criteria below:

  i. There is no permanent anchoring system or foundation;
  ii. There is no storage, temporary or otherwise, of solvents, fertilizers, gases, or other chemical or flammable materials;
  iii. The structure is no wider than 31 feet and there is an unobstructed path of no greater length than 150 feet from any point to a door or fully accessible wall area, the covering of which is a material no greater than six mils (152.4 micrometers) in thickness that yields approximately four pounds of maximum impact resistance to provide egress through the wall; and
  iv. The covering of the structure is of a material that conforms to NFPA 701.
  v. If a temporary greenhouse contains any device subject to the electrical subcode or any mechanical equipment subject to the mechanical subcode, a permit shall be required for the device, system or fixture only. If the temporary greenhouse is connected to a potable water system, a permit shall be required for the backflow prevention devices only."

STAFF: Eric Tiso

PETITIONER: Department of Housing and Community Development

HISTORY

- This is a required periodic adoption of the latest edition of the International Building Code (IBC), in this case the 2009 Edition, and related codes. These updates are scheduled on a three-year cycle. The last general adoption of the 2006 Code was enacted via Ordinance #07-552, dated November 26, 2007.
- Ordinance #06-187, dated February 14, 2006, adopted changes made to the Maryland Building Performance Standards, in addition to the International Building Code (2000 Edition).
- Amendments to the Maryland Building Performance Standards were adopted on September 20, 2004, consisting of the IBC (2003 edition) and the International Residential Code for One- and Two-Family Dwellings (2000 edition).
- Ordinance #02-475, dated December 23, 2002, adopted a revised Building, Fire, and Related Codes article, comprising the Maryland Building Performance Standards (effective October 15, 2001), the International Building Code (2000 Edition), the National Electrical Code (1999 Edition), the National Fuel Gas Code (2000 Edition), the International Mechanical Code (2000 Edition), the National Standard Plumbing Code (2000 Edition, 2001 Supplement), the International Property Maintenance Code (2000 Edition), the International Fire Code (2000 Edition), and the International Energy Conservation Code (2000 Edition), as amended.

CONFORMITY TO PLANS

This bill is compatible with the City of Baltimore's Comprehensive Master Plan, LIVE EARN PLAY LEARN, specifically the LIVE section, Goal 2: Elevate the Design and Quality of the City's Built Environment, Objective 2: Streamline and Strengthen the Development Process.

ANALYSIS

Purpose: This bill will adopt the most recent updates to the International Building Code, and related codes. The State has adopted the Maryland Building Performance Standards, effective January 1, 2010, and includes:

- The International Building Code (2009 Edition), with certain State modifications {COMAR 05.02.07.04a And B};
- The International Residential Code For One- And Two-Family Dwellings (2009 Edition), with certain State modifications {COMAR 05.02.07.04a And C}; and
- The International Energy Conservation Code (2009 Edition), with certain State modifications {COMAR 05.02.07.04a And D}.

The City, in turn, proposes to adopt the Maryland Building Performance Standards, as above, subject to specific modifications as listed in the body of the bill. The amendments listed are substantially similar to what had been previously adopted. However, Planning has identified a need for a reference to temporary greenhouses, commonly known as "hoophouses" or "polyhouses."

Hoophouses: These utility structures are non-inhabited plastic film greenhouses that can be constructed without the need for permanent foundations. This makes them ideal as a temporary use on undeveloped properties, especially those with environmental concerns (i.e. "brownfield" sites) that would prevent their use as traditional agricultural fields. The hoophouses are essentially greenhouses that passively heat and cool with natural sun energy and cooling effects of the wind, extending local growing seasons with little to no outside energy consumption. Recently, applicants interested in local agriculture ventures have approached the City to inquire about the process for approval. It was then discovered that this type of structure was not referenced or recognized in the current or proposed version of the City's Building, Fire, and Related Codes. This created an administrative problem in that the code and permit review staff was unsure how to treat these facilities. In the end, it was determined that they can be classified as non-inhabitable, utility structures. By defining them in a specific way and providing for an exemption, these hoophouses can be constructed to a general standard that will not require a permit. If any other form of trade work, such as a commercial electric service, plumbing line, or similar is required, they would need routine work permits for those items.

Definition: "A temporary greenhouse, also called a "hoophouse" or "polyhouse," used exclusively for the production and storage of live plants, shall be exempt from the permit requirements of the Uniform Construction Code if it meets all the criteria below:

i. There is no permanent anchoring system or foundation;
ii. There is no storage, temporary or otherwise, of solvents, fertilizers, gases, or other chemical or flammable materials;
iii. The structure is no wider than 31 feet and there is an unobstructed path of no greater length than 150 feet from any point to a door or fully accessible wall area, the covering of which is a material no greater than six mils (152.4 micrometers) in thickness that yields approximately four pounds of maximum impact resistance to provide egress through the wall; and
iv. The covering of the structure is of a material that conforms to NFPA 701.
v. If a temporary greenhouse contains any device subject to the electrical subcode or any mechanical equipment subject to the mechanical subcode, a permit shall be required for the device, system or fixture only. If the temporary greenhouse is connected to a potable water system, a permit shall be required for the backflow prevention devices only."

Community Input: Notification of this action was sent to 214 community organizations.

Thomas J. Stosur
Director